

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
PO Box 12436  
Milwaukee, Wisconsin 53212-0436  
Telephone 414-263-8500  
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August 16, 1999

Mr. Andrew Orenstein  
Market Street Associates, LLP  
735 North Water Street, Suite 729  
Milwaukee, WI 53202

Subject: Receipt of Groundwater Use Restriction for Accurate Transmission, 2625  
South 108th Street, West Allis, WI FID: 241310300, BRRTS: 03-41-004264

Dear Mr. Orenstein:

This letter acknowledges the receipt of the groundwater use restriction for the Accurate Transmission site provided by Giles Engineering dated August 5, 1999. This site is in compliance with NR 726, WAC, and is closed on the Department's tracking system. The Department appreciates the actions you have taken to investigate and remediate the contamination at this site. If the Department can be of further assistance, please contact me at the above address or at (414) 263-8644.

Sincerely,

John J. Hnat  
Hydrogeologist  
Remediation and Redevelopment

C: James E. Bannantine, Giles Engineering  
WDNR SER Files

7784142

REGISTER'S OFFICE | SS  
Milwaukee County, WI

RECORDED AT 1:15 PM

08-03-1999

REEL \_\_\_\_\_ IMAGE \_\_\_\_\_

WALTER R. BARCZAK  
REGISTER OF DEEDS

AMOUNT 14.00

DOCUMENT NO.

DEED RESTRICTIONS

Legal Description of the Property as it Appears on the Most Recent Deed

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

JDN West Allis Associates, Limited Partnership  
359 E. Paces Ferry Road, NE  
Suite 400  
Atlanta, GA 30305

TAX KEY IDENTIFICATION NUMBER

## GROUNDWATER USE RESTRICTION

### Declaration of Restrictions

In Re: Part of Parcel 1 and all of Parcel 2 of Certified Survey Map No. 4282, being a redivision of Parcel 1 of Certified Survey Map No. 1412, being a part of the southeast ¼ of northeast ¼ of Section 7, Township 6 north, Range 21 east, in the City of West Allis, Milwaukee County, Wisconsin, which is bounded and described as follows: Commencing at the southeast corner of the Northeast ¼ of said Section 7; thence north 89° 49' 50" west along the south line of said ¼ section 60.00 feet to a point; thence north 00° 17' 00" west 45.00 feet to the southeast corner of Parcel 2 and the point of beginning of the lands to be described; thence, north 89° 9' 0" west along the south line of Certified Survey Map No. 4282 aforesaid 294.43 feet to a point; thence north 13° 14' 53" east 231.31 feet to a point; thence south 89° 49' 50" east 27.58 feet to a point on the westerly line of said Parcel 2; thence south 89° 49' 50" east along said north line 212.50 feet to a point, said point being the northeast corner of said Parcel 2; thence south 00° 17' 00" east along the easterly line of Parcel 2 aforesaid 318.50 feet to the point of beginning containing 80.069 square feet or 1.8381 acres.

State of Wisconsin                     )  
  ) ss.  
County of Milwaukee                 )

WHEREAS, JDN West Allis Associates, Limited Partnership is the owner of the above described property (the "Property"); and

WHEREAS, one or more gasoline discharges have occurred at this property. Benzene contaminated groundwater above NR 140 enforcement standards exists on this property at the following location: MWA (see attached figure and table).

WHEREAS, it is the desire and intention of the property owner to impose on the Property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the Property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding Ch. NR 140 groundwater standards within the boundaries of this property.

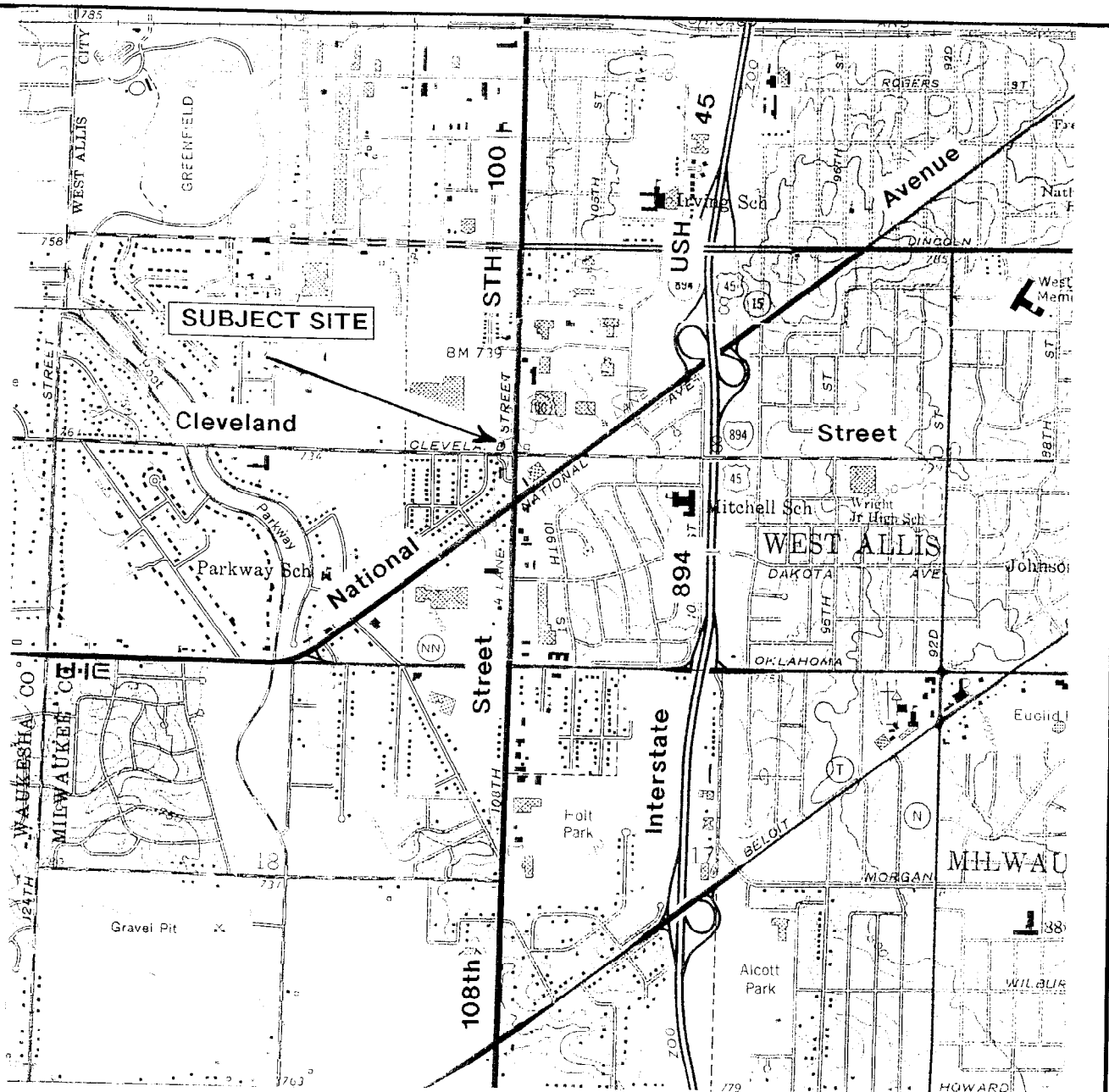
WHEREAS, construction of wells where the water quality exceeds the drinking water standards in Chs. NR 811 and NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the Property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources Bureau of Drinking Water and Groundwater, or its successor, to determine what specific prohibitions or requirements are applicable prior to construction or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above described Property whether by descent, devise, purchase or otherwise. These restrictions inure to the benefit of and are enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The WDNR, its successors or assigns may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the Property described above may request that the Wisconsin Department of Natural Resources or its successors issue a determination that the restriction set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restriction contained herein can be extinguished. If the Wisconsin Department of Natural Resources determines that the restriction can be extinguished, an affidavit copy, with a copy of the departments written determination, can be recorded to give notice that this groundwater use restriction is no longer binding.



Source: USGS Wauwatosa and Hales Corners  
7.5 Minute Quadrangle Maps  
Scale: 1"=2000'

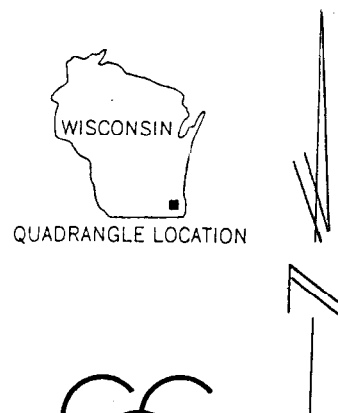


FIGURE 1  
GENERALIZED SITE LOCATION

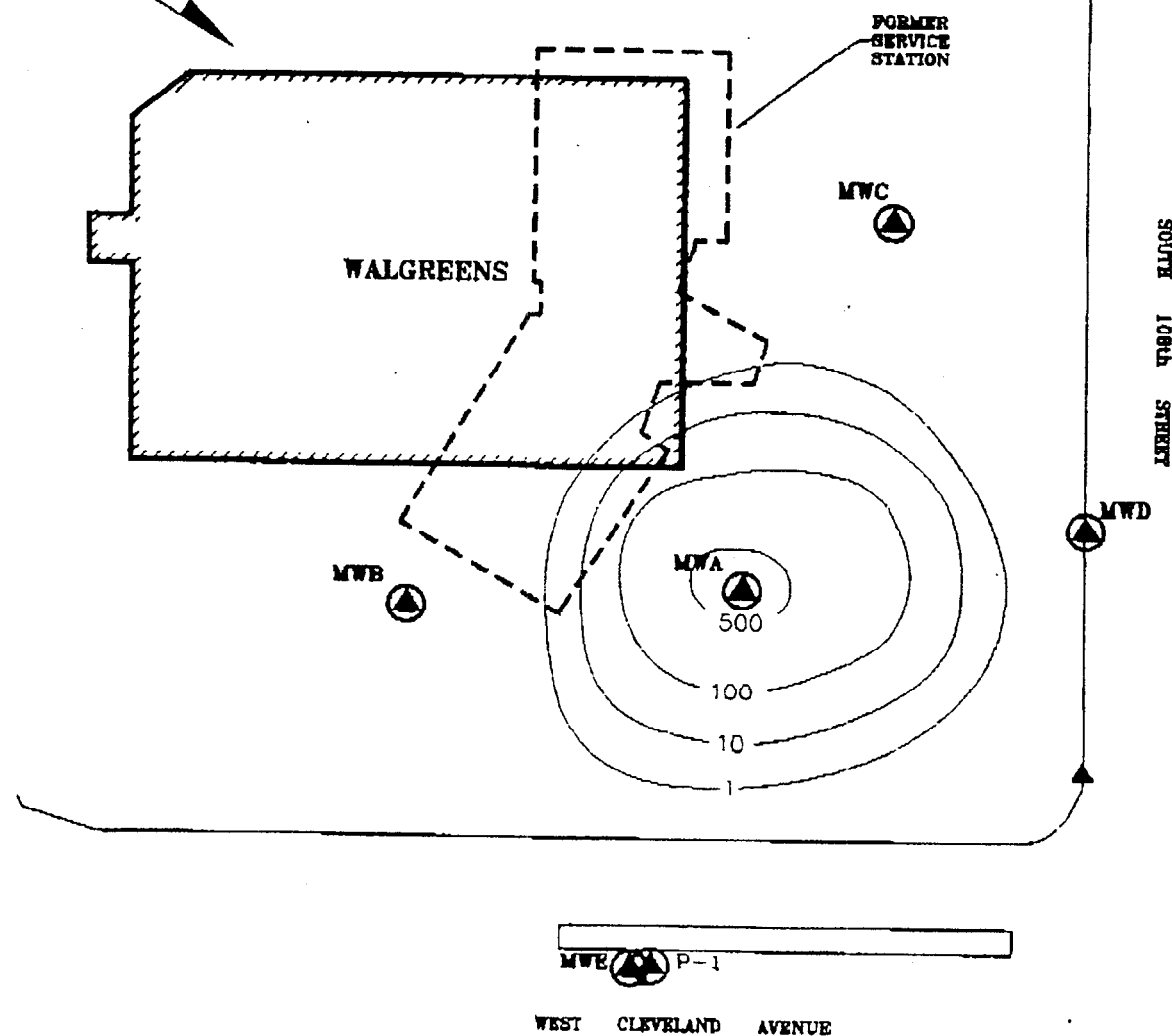
Existing Accurate Transmission Service Facility  
2625 South 108th Street  
West Allis, Wisconsin  
Project No. 1E-940607

**GILES ENGINEERING ASSOCIATES, INC.**  
GEOTECHNICAL, ENVIRONMENTAL  
AND CONSTRUCTION MATERIALS CONSULTANTS



1999 JUN -9 PM 1:11

DITCHED  
GROUNDWATER FLOW  
DIRECTION



## LEGEND:

MWB



MONITORING WELL NUMBER  
AND LOCATION

P-1



PIEZOMETER NUMBER AND  
LOCATION



BENCHMARK: SOUTH BOTTOM  
ON TOP OF FLANGE OF FIRE  
HYDRANT. ASSUMED ELEVATION = 100.0'



GILES ENGINEERING ASSOCIATES, INC.  
NO. 72280 JOHNSON RD., WAUKESHA, WI, 53186  
(414)-544-0118

FIGURE 1  
EXTENSIVE ISO CONTOUR MAP  
ACCURATE TRANSDUCTION SERVICE FACILITY  
2888 SOUTH 108th STREET  
WEST ALLEN, WISCONSIN

DESIGNED	DRAWN	APPROVED	SCALE	DATE
JSP	CTM	X	1" = 40'	06-28-98
PROJECT NO.: 1E-040807			CAD No. E040807T	

**TABLE 1**  
**RESULTS OF GROUNDWATER ANALYSIS**  
**ACCURATE TRANSMISSION**  
**2625 South 108th Street**  
**West Allis, Wisconsin**  
**WDNR FID No. 241310300**  
**Project No. 1E-940607**

Sample Point	Date	VOLATILE ORGANIC COMPOUNDS (VOCs) (ug/l)								VOCs (sum)
		Benzene	E-Benzene	Toluene	1,2,4-TMB	1,3,5-TMB	Xylenes	Napht	MTBE	
MWA	11-Jun-96	1600	<10	19	<10	<10	<10	<10	<10	1619
	12-Aug-96	1700	<10	18	<10	<10	<10	<10	<10	1718
	23-Oct-96	1800	<10	12	<10	<10	<10	<10	<10	1812
	10-Feb-97	1300	<3	15	<3	<3	<2	NA	3.4	1318.4
	23-May-97	NA	NA	NA	NA	NA	NA	NA	NA	0
	25-Aug-97	1200	<2.9	4.8	<3.0	<3.4	<2.1	NA	<2.0	1204.8
	22-Dec-97	970	<2.9	<3.6	<3.0	<3.4	<2.1	<8.1	2.2	972.2
	13-Apr-98	570	<3.3	<3.4	<3.3	<3.4	<7.0	<1.2	<1.2	570
	20-Jul-98	570	<3.3	<3.4	<3.3	<3.4	<7.0	NA	<1.8	570
MWB	11-Jun-96	NA	NA	NA	NA	NA	NA	NA	NA	0
	12-Aug-96	NA	NA	NA	NA	NA	NA	NA	NA	0
	23-Oct-96	<.6	<1	1.9	<1	<1	<1	<1	<1	1.9
	10-Feb-97	<.2	<.3	<.4	<.3	<.3	<.2	NA	<.2	0
	23-May-97	NA	NA	NA	NA	NA	NA	NA	NA	0
	25-Aug-97	<0.16	<0.29	<0.36	<0.30	<0.34	<0.21	NA	<0.20	0
	22-Dec-97	<0.16	<0.29	<0.39	<0.30	<0.34	<0.21	<0.81	<0.20	0
MWC	11-Jun-96	NA	NA	NA	NA	NA	NA	NA	NA	0
	12-Aug-96	NA	NA	NA	NA	NA	NA	NA	NA	0
	23-Oct-96	<.6	<1	2.6	<1	<1	<1	<1	<1	2.6
	10-Feb-97	<.2	<.3	0.7	<.3	<.3	<.2	NA	<.2	0.7
	23-May-97	NA	NA	NA	NA	NA	NA	NA	NA	0
	25-Aug-97	<0.16	<0.29	<0.36	<0.30	<0.34	<0.21	NA	<0.20	0
	22-Dec-97	<0.16	<0.29	<0.36	<0.30	<0.34	<0.21	<0.81	<0.20	0
MWD	11-Jun-96	NA	NA	NA	NA	NA	NA	NA	NA	0
	12-Aug-96	NA	NA	NA	NA	NA	NA	NA	NA	0
	23-Oct-96	<.6	<1	16	<1	<1	<1	<1	<1	16
	10-Feb-97	<.2	<.3	5.2	<.3	<.3	<.2	NA	<.2	5.2
	23-May-97	NA	NA	NA	NA	NA	NA	NA	NA	0
	25-Aug-97	<0.16	<0.29	<0.36	<0.30	<0.34	<0.21	NA	<0.20	0
	22-Dec-97	<0.16	<0.29	0.44	<0.30	<0.34	<0.21	<0.81	<0.20	0.44
MWE	11-Jun-96	NA	NA	NA	NA	NA	NA	NA	NA	0
	12-Aug-96	NA	NA	NA	NA	NA	NA	NA	NA	0
	23-Oct-96	NA	NA	NA	NA	NA	NA	NA	NA	0
	10-Feb-97	NA	NA	NA	NA	NA	NA	NA	NA	0
	23-May-97	<0.41	<0.23	1.9	0.31	<0.25	0.59	<0.66	0.8	3.6
	25-Aug-97	<0.16	<0.29	<0.36	<0.30	<0.34	<0.21	NA	<0.20	0
	22-Dec-97	<0.16	<0.29	<0.36	<0.30	<0.34	<0.21	<0.81	<0.20	0
P1	11-Jun-96	NA	NA	NA	NA	NA	NA	NA	NA	0
	12-Aug-96	NA	NA	NA	NA	NA	NA	NA	NA	0
	23-Oct-96	NA	NA	NA	NA	NA	NA	NA	NA	0
	10-Feb-97	NA	NA	NA	NA	NA	NA	NA	NA	0
	23-May-97	<0.41	<0.23	<0.28	<0.30	<0.25	<0.51	<0.66	<0.53	0
	25-Aug-97	<0.16	<0.29	<0.36	<0.30	<0.34	<0.21	NA	<0.20	0
	22-Dec-97	<0.16	<0.29	<0.36	<0.30	<0.34	<0.21	<0.81	<0.20	0
ES	NA	5	700	343	NS	NS	620	40	60	
PAL	NA	0.5	140	68.6	NS	NS	124	8	12	

E-Benzene: Ethylbenzene

TMB: Trimethylbenzene

Napht: Naphthalene

MTBE: Methyl-tert-butyl-ether

ug/L: Micrograms per liter; equivalent to parts per billion (ppb)

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